

HOUSE BILL NO. 389

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES EASTMAN, Gillham

Introduced: 2/22/22

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act repealing the implementation of the federal REAL ID Act of 2005; relating to**
2 **identification cards; relating to drivers' licenses; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 18.65.310(a) is amended to read:

5 (a) Upon payment of a \$15 fee, the department shall issue a card identical to
6 the motor vehicle operator's license provided for in AS 28.15.111, except that the card
7 shall be of a different color and shall state in bold type letters across the face of it that
8 it is for identification purposes only. [UPON REQUEST OF A PERSON AND UPON
9 PAYMENT OF AN ADDITIONAL \$20 FEE, THE DEPARTMENT MAY ISSUE
10 AN IDENTIFICATION CARD UNDER THIS SECTION THAT IS FEDERALLY
11 COMPLIANT.]

12 * **Sec. 2.** AS 18.65.310(b) is amended to read:

13 (b) A person may obtain an identification card provided for in (a) of this
14 section by applying to the department on forms and in the manner prescribed by the

department. [THE DEPARTMENT SHALL INCLUDE ON THE APPLICATION FOR AN IDENTIFICATION CARD A REQUIREMENT THAT THE APPLICANT INDICATE

(1) THAT THE APPLICANT UNDERSTANDS THE OPTIONS FOR IDENTIFICATION CARDS AVAILABLE AT THE TIME OF ISSUANCE; AND

(2) THE TYPE OF IDENTIFICATION CARD THAT THE APPLICANT SELECTS.]

* **Sec. 3.** AS 18.65.310 is amended by adding new subsections to read:

(s) The department shall offer an applicant the option of having the applicant's identification card photograph captured with a camera that produces a photograph in a format or with a resolution that renders the image quality insufficient for facial recognition purposes. The department shall destroy or render unusable for facial recognition purposes any photograph captured as a result of an application for an identification card.

(t) The department may not convey, distribute, or communicate to a foreign country or a private entity with greater than five percent foreign ownership any personally identifying information collected in order to carry out the provisions of this section.

* **Sec. 4.** AS 28.05.068(b) is amended to read:

(b) Notwithstanding (a) of this section, the department may not convey, distribute, or communicate to a **foreign country or a private entity with greater than five percent foreign ownership** any **personally identifying information or** scanned or stored documents collected in order to carry out the provisions of AS 28.15.

* **Sec. 5.** AS 28.05.068(b), as amended by sec. 4 of this Act, is amended to read:

(b) **The** [NOTWITHSTANDING (a) OF THIS SECTION, THE] department may not convey, distribute, or communicate to a foreign country or a private entity with greater than five percent foreign ownership any personally identifying information or scanned or stored documents collected in order to carry out the provisions of AS 28.15.

* **Sec. 6.** AS 28.15.111(e) is amended to read:

(e) The department may not engage in bulk sharing of facial images captured

as a result of an application for a driver's license with a database. The department shall offer an applicant the option of having the applicant's driver's license photograph captured with a camera that produces a photograph in a format or with a resolution that renders the image quality insufficient for facial recognition purposes. The department shall destroy or render unusable for facial recognition purposes any photograph captured as a result of an application for a driver's license [, OTHER THAN A DATABASE ESTABLISHED BY THE STATE, REGARDLESS OF WHETHER THE APPLICANT APPLIED FOR A DRIVER'S LICENSE THAT IS FEDERALLY COMPLIANT OR A DRIVER'S LICENSE THAT IS NOT FEDERALLY COMPLIANT. THE PROHIBITION IN THIS SUBSECTION DOES NOT APPLY TO A COMMERCIAL DRIVER'S LICENSE].

* **Sec. 7.** AS 44.99.040(a) is amended to read:

(a) A state or municipal agency may not use or authorize the use of an asset to implement or aid in the implementation of a requirement of

(1) an order of the President of the United States, a federal regulation, or a law enacted by the United States Congress that is applied to

(A) infringe on a person's right, under the Second Amendment to the Constitution of the United States, to keep and bear arms;

(B) deny a person a right to due process, or a protection of due process, that would otherwise be available to the person under the Constitution of the State of Alaska or the Constitution of the United States; or

(2) [REPEALED]

(3) P.L. 109-13, Division B (REAL ID Act of 2005).

* **Sec. 8.** AS 18.65.310(n), 18.65.310(o), 18.65.310(q), 18.65.310(r); AS 28.05.068(a), 28.05.068(c), 28.05.068(d), 28.05.068(e); AS 28.15.041(d), 28.15.041(e), 28.15.041(f), 28.15.061(b)(6), 28.15.111(f), 28.15.271(b)(4); and AS 28.90.990(a)(11) are repealed.

* **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: FEDERALLY COMPLIANT IDENTIFICATION CARDS AND DRIVERS' LICENSES. An identification card or driver's license that complies with P.L. 109-13, Division B (REAL ID Act of 2005) and was issued before the effective date of secs. 1, 2,

1 5, and 7 - 9 of this Act is valid until the identification card is cancelled under AS 18.65.310(h)
2 or expires normally under AS 18.65.310(k) or (p) or until the driver's license is cancelled
3 under AS 28.15.161 or expires normally under AS 28.15.099 or 28.15.101.

4 * **Sec. 10.** The uncoded law of the State of Alaska is amended by adding a new section to
5 read:

6 TRANSITION: PUBLIC EDUCATION. The Department of Administration shall
7 conduct a public education campaign to inform the public that the state will no longer issue
8 identification cards and drivers' licenses that comply with P.L. 109-13, Division B (REAL ID
9 Act of 2005) on and after the effective date of secs. 1, 2, 5, and 7 - 9 of this Act, and to inform
10 the public of other existing options for obtaining identification cards and drivers' licenses that
11 are not in compliance with P.L. 109-13, Division B (REAL ID Act of 2005).

12 * **Sec. 11.** The uncoded law of the State of Alaska is amended by adding a new section to
13 read:

14 TRANSITION: REGULATIONS. The Department of Administration may adopt
15 regulations necessary to implement the changes made by this Act. The regulations take effect
16 under AS 44.62 (Administrative Procedure Act), but not before the effective date of the law
17 implemented by the regulation.

18 * **Sec. 12.** Section 11 of this Act takes effect immediately under AS 01.10.070(c).

19 * **Sec. 13.** Sections 1, 2, 5, and 7 - 9 of this Act take effect January 1, 2025.